

107TH CONGRESS
2D SESSION

H. R. 5641

To amend the National Labor Relations Act to provide the National Labor Relations Board with expanded statutory authority with respect to employees and labor organizations engaged in or encouraging violent and other potentially injurious conduct.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2002

Mr. WILSON of South Carolina introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the National Labor Relations Act to provide the National Labor Relations Board with expanded statutory authority with respect to employees and labor organizations engaged in or encouraging violent and other potentially injurious conduct.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Employees
5 Against Violence Act”.

1 **SEC. 2. ADDITIONAL AUTHORITY OF THE NLRB WITH RE-**
2 **SPECT TO LABOR ORGANIZATIONS AND EM-**
3 **PLOYEES.**

4 (a) BOARD MAY NOT ORDER REINSTATEMENT OF
5 AN EMPLOYEE ENGAGED IN RESTRAINT OR COERCION.—
6 Section 10(c) of the Act (29 U.S.C. 160(c)) is amended
7 by inserting before the colon at the end of the first proviso
8 the following: “, except that no such order may direct the
9 reinstatement of any employee who has engaged in or who
10 is engaging violent conduct, acts of coercion, or other ac-
11 tions potentially injurious to any person which would be
12 an unfair labor practice under section 8(b)(1)(A) if en-
13 gaged in by a labor organization”.

14 (b) REVOCATION OF EXCLUSIVE BARGAINING STA-
15 TUS OF LABOR ORGANIZATIONS ENGAGING IN VIO-
16 LENCE.—Section 10(c) of the National Labor Relations
17 Act, (29 U.S.C. 160(c)), is amended by adding after the
18 first proviso the following: “*Provided further*, That the
19 Board shall revoke the exclusive bargaining status of any
20 labor organization found by the Board to engage directly
21 in or encourage the use of violence, coercion, or other ac-
22 tions potentially injurious to any person:”.

23 (c) INJUNCTIVE RELIEF AGAINST INTERFERENCE
24 WITH EXERCISE OF REPRESENTATION RIGHTS.—(1) Sec-
25 tion 10(l) of the Act (29 U.S.C. 160(l)) is amended by
26 inserting “section 8(b)(1) if a labor organization is

1 charged with directly engaging in or encouraging the use
2 of violence,” before “or section 8(e)”.

3 (2) Section 10(l) of the Act (29 U.S.C. 160(l) is
4 amended by adding after the second sentence: “In no
5 event shall the petition for injunctive relief be sought more
6 than 7 days after the filing of the unfair labor practice
7 charge.”.

8 **SEC. 3. EFFECTIVE DATE.**

9 The amendments made by this Act shall take effect
10 on the date of enactment of this Act.

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